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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PROTON ASSOCIATES LLC, and
SETH MILLER,

Plaintiffs,

v.

AVELO, INC.,

Defendant.

Case No. 2:25-cv-00856-CDS-BNW

**STIPULATION AND ORDER FOR
EXTENSION OF TIME**

(First Request)

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule IA 6-1, Plaintiffs Proton Associates LLC and Seth Miller (together, “Plaintiffs” or “Miller”), and Defendant Avelo, Inc. (“Defendant” or “Avelo”), hereby agree and stipulate, and request the Court’s permission to extend the following briefing and response deadlines:

1. On June 24, 2025, Avelo filed its Motions for a Preliminary Injunction and Temporary Restraining Order, ECF Nos. 16, 17. Plaintiffs filed their response to the motions on July 15, 2025 (ECF No. 41). Under the Local Rules, Avelo’s reply is due within seven days of Plaintiffs’ filing, on July 22, 2025. *See* L.R. 7-2(b) (providing seven days to file replies).

2. On June 30, 2025, Avelo filed its Motions for Reconsideration, ECF No. 32. Plaintiffs filed their response to the motion on July 14, 2025 (ECF No. 39). Under the Local Rules, Avelo’s reply is due within seven days of Plaintiffs’ filing, on July 21, 2025. *See* L.R. 7-

1 2(b) (providing seven days to file replies).

2 3. On July 9, 2025 Avelo filed a Motion to Dismiss two counts of the Amended
3 Complaint, ECF No. 36. Under the Local Rules, a response to the motion would be due within
4 fourteen days of Defendant's filing, on July 23, 2025. *See* L.R. 7-2(b) (providing fourteen days to
5 file responses to motions). Given the time spent by Plaintiffs responding to the motions filed by
6 Defendant, and because Plaintiffs believe it would be more efficient to file their response after
7 seeing Defendant's reply to the Motions for a Preliminary Injunction and Temporary Restraining
8 Order (which Defendants request to extend below), the Parties agree to extend the deadline for
9 Plaintiffs to file their response to Defendant's Motion to Dismiss, ECF No. 36, from July 23, 2025
10 to August 13, 2025.

11 4. On July 9, 2025 Avelo filed its Answer and First Amended Counterclaims, ECF
12 No. 37. Under the Federal Rules, a response to the counterclaims would be due within fourteen
13 days of Defendant's filing, on July 23, 2025. *See* Fed. R. Civ. P. 15(a)(1)(3) (responses to
14 amended pleadings due within fourteen days of pleading). Given the time spent by Plaintiffs
15 responding to the motions filed by Defendant, and because Plaintiffs believe it would be more
16 efficient to file their response after seeing Defendant's reply to the Motions for a Preliminary
17 Injunction and Temporary Restraining Order (which Defendants request to extend below) the
18 Parties agree to extend the deadline for Plaintiffs to file their response to the counterclaims, ECF
19 No. 37, from July 23, 2025 to August 13, 2025.

20 5. In accordance with the foregoing, and in light of the time required to draft and file
21 replies in support of its Motion for Reconsideration and its Motions for Preliminary Injunction and
22 Temporary Restraining Order, the parties agree to extend the time for Avelo to file its reply in
23 support of its Motion for Reconsideration (ECF No. 32) from July 21, 2025 to August 6, 2025, and
24 the time for Avelo to file its reply in support of its Motions for a Preliminary Injunction and
25 Temporary Restraining Order (ECF Nos. 16, 17), from July 22, 2025 to August 6, 2025.

26 6. This is the parties' first request to extend the foregoing deadlines. The parties
27 make this stipulation in good faith, to promote the just, speedy, and inexpensive determination of
28 this action, and not for purposes of undue delay.

IT IS SO AGREED AND STIPULATED:

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By: /s/ Jonathan W. Fountain

By: /s/ Jason Harrow

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IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: July 18, 2025